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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,548	04/14/2004	David R. Burritt	4366-168	8838
48500	7590	07/18/2007		
SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202			EXAMINER RAMAKRISHNAIAH, MELUR	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 07/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/825,548	Applicant(s) BURRITT ET AL.	
	Examiner Melur Ramakrishnaiah	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4-14-2004</u> . | 6) <input type="checkbox"/> Other: _____  |

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7, 11, 12-14, 18, 22, 24-26, are rejected under 35 U.S.C 102(b) as being anticipated by Arnott (US 2002/0083462A1).

Regarding claim 1, Arnott discloses a computational component for performing a method, the method comprising: in response to initiation of a telephony communication between a first communication end point (200a, fig. 2) and a second communication end point (200b, fig. 2) over a first communication channel (215a/215b, fig. 2, paragraphs: 0029-0031), determining whether the second communication endpoint is video communication enabled, wherein the first communication endpoint is video enabled, in response to determining that the second communication endpoint is video enabled, initiating a video communication between the first communication endpoint and the second communication endpoint over a second communication channel (fig. 5, paragraphs: 0046-0052).

Regarding claim 12, Arnott discloses a method for enabling video-telephony integration, comprising: initiating an audio communication between a first and second communication endpoints (220a/200b, fig. 2) over an audio communication channel (215a/215b, fig. 2, paragraphs: 0029-0031), determining whether both of the first and second endpoints are video capable and in response to determining that the both the

first and second endpoints are video capable, establishing a video communication channel between first and second communication endpoints, wherein the video communication channel is separate from the audio communication channel (fig. 5, paragraphs: 0046-0052).

Regarding claim 22, Arnott discloses an integrated video-telephony system, comprising: communication network means (figs. 1-2), first means (215, fig. 2) for supporting audio communications, first means (245, fig. 2) for supporting video communications (paragraphs: 0029-0031), means in (200a, fig. 2) for integrating operation of the first means for supporting audio communications and the first means for supporting video communications, wherein the first means for integrating cause the first means for supporting video communications to enable a video communication channel to complement a separate audio communication channel (paragraph: 0039).

Regarding claims 2-3, 7, 11, 13-14, 18, 24-26, Arnott further teaches the following: initiating a telephony communications comprises establishing audio telephony communications between the first communication endpoint (200a, fig. 2) and second communication endpoint (200b, fig. 2), initiating a telephony communication comprises a dialing a telephone number associated with the second communication endpoint, wherein second communication endpoint initiates the telephony communication (paragraph: 0033), computational component comprises a logic circuit (150, paragraph: 0027), an audio communication capability of the first communication endpoint is provided in connection with an audio application and wherein a video communication capability of the first communication device is provided in connection with a video application, wherein audio application is separate from the video application

(paragraphs: 0023-0026), an integrator application in (2002, fig. 2) at least one of monitors and receives information from the audio application, and wherein the integrator application instructs the video application to provide video communication functions in response to determining that both the first and second communication endpoints are video capable, video communication channel does not carry audio data (paragraphs: 0039, 0046-0052), means for supporting audio communications comprises a telephony application (this is implied in as much as the reference teaches sending/receiving voice communication by telephone) and a telephone (104, fig. 1), means for supporting video communications comprises a video application (this is implied in as much as the reference teaches sending video information and receiving video information and displaying), a video camera (108, fig. 1), and a video display (112, fig. 1, paragraphs: 0023-0026), means for interconnecting to a communication network, wherein the audio communication channel and the video communication channel are established through the means for interconnecting to a communication network (figs. 1-2, paragraphs: 0029-0033).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-6, 8-10, 15-17, 23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnott in view of Shachar et al. (US PAT: 6,831,675, hereinafter Shachar).

Arnott differs from claims 4-6, 15-17 in that he does not teach the following: determining whether the second communication endpoint is video communications enabled comprises

contacting a central authority, wherein the central authority returns an address for video communication associated with the second communication endpoint that is video communication enabled, central authority comprises dial plan server, address for video communication comprises an internet protocol address associated with the second communication device, determining whether both of the first and second endpoints are video capable comprises contacting a communication authority, communication authority maintains data regarding video communication capabilities and address associated with communication endpoints, wherein an integrator application establishes a data communication channel between the first communication endpoint and the central communication authority.

However, Shachar discloses system and method for videoconference initiation which teaches the following: determining whether the second communication endpoint is video communications enabled comprises contacting a central authority, wherein the central authority returns an address for video communication associated with the second communication endpoint that is video communication enabled, central authority comprises dial plan server, address for video communication comprises an internet protocol address associated with the second communication device, determining whether both of the first and second endpoints are video capable comprises contacting a communication authority, communication authority maintains data regarding video communication capabilities and address associated with communication endpoints (col. 5, line 65 – col. 6, line 55, col. 3 lines 19-35), wherein an integrator application establishes a data communication channel (8, fig. 1) between the first communication endpoint and the central communication authority (col. 3 lines 7-17).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Arnott's system to provide for the following: determining whether the second communication endpoint is video communications enabled comprises contacting a central authority, wherein the central authority returns an address for video communication associated with the second communication endpoint that is video communication enabled, central authority comprises dial plan server, address for video communication comprises an internet protocol address associated with the second communication device, determining whether both of the first and second endpoints are video capable comprises contacting a communication authority, communication authority maintains data regarding video communication capabilities and address associated with communication endpoints, wherein an integrator application establishes a data communication channel between the first communication endpoint and the central communication authority as this arrangement would provide an alternative means to maintain information at a central location about video communication capabilities of the various user terminals to establish connections among users of the communication facility as taught by Shachar, the advantage of maintaining information about user terminals capability information at a central location makes it economical and also easy to access for users in audio communication to establish video communication depending upon user desires.

Arnott differs from claims 8-10 in that he does not teach the following: communication endpoint includes a general purpose computer and a telephone interconnected to the general purpose computer, wherein the first communication endpoint includes a general purpose computer running application programming implementing a soft telephone, computational component comprises a computer readable storage medium containing instructions.

However, Shachar teaches the following: communication endpoint includes a general purpose computer and a telephone interconnected to the general purpose computer, wherein the first communication endpoint includes a general purpose computer running application programming implementing a soft telephone, computational component comprises a computer readable storage medium containing instructions (col. 4 lines 4-65).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Arnott's system to provide for the following: communication endpoint includes a general purpose computer and a telephone interconnected to the general purpose computer, wherein the first communication endpoint includes a general purpose computer running application programming implementing a soft telephone, computational component comprises a computer readable storage medium containing instructions as this arrangement would provide an alternative means for implementing audio and video communication capability as taught by Shachar.

5. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shachar in view of Arnott.

Regarding claim 19, Shachar discloses a video and telephony system, comprising: a first communication device in (100, fig. 1), a video dial plan record (col. 3 lines 7-60), a first telephony device (130, fig. 1), a telephony application associated with the first telephony device, a first video device (110, fig. 1), a first video application associated with the first video device (figs. 1-3, col. 4 lines 4-65), a first integrator application, wherein the integrator application queries the video dial plan record in response to an indication from the telephony application that a telephone communication has been established with the second communication device in for

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information regarding video capabilities of the second communication device (130, fig. 1), wherein integrator application causes the video application to establish video communication with the second communication endpoint in response having an indication from the video dial plan record that the second communication device is video capable (col. 5, line 65 – col. 7, line 55).

Shachar differs from claims 19-20 in that although he suggests audio channel and video channel (col. 8 lines 33-36); he does not explicitly teach the following: telephony communication is carried by a channel that is separate from a channel carrying the video communication, audio communication channel is established between the first communication device and the second communication device over the first communication network, and video communication channel is established over one of the first communication network and the second communication network.

However, Arnott teaches the following: telephony communication is carried by a channel that is separate from a channel carrying the video communication, audio communication channel is established between the first communication device and the second communication device over the first communication network, and video communication channel is established over one of the first communication network and the second communication network (fig. 1, paragraphs: 0025-0026).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Shachar's system to provide for the following: telephony communication is carried by a channel that is separate from a channel carrying the video communication, audio communication channel is established between the first communication device and the second

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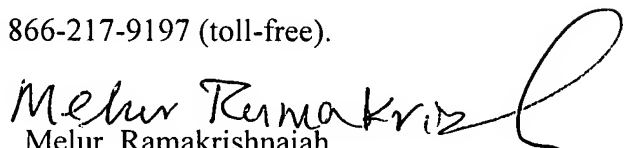
communication device over the first communication network, and video communication channel is established over one of the first communication network and the second communication network as this arrangement would facilitate audio video communication on separate channels as taught by Arnott, there by providing adequate bandwidth for transmitting respective media using separate channels as is well known in the art.

Regarding claim 21, Shachar teaches the following: communication channel is established between the first communication and the video dial plan record (col. 3 lines 7-60).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on M-F 6:30-4:00; every other F Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Melur Ramakrishnaiah  
Primary Examiner  
Art Unit 2643